

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

Final Rule LSA Document #07-488(F)

DIGEST

Adds 410 IAC 31 to establish minimum standards for use by a small employer in establishing a wellness program to improve the health of employees of the small employer and to establish criteria and a process for certification and recertification of a small employer's wellness program for purposes of IC 6-3.1-31.2. Effective 30 days after filing with the Publisher.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

410 IAC 31

SECTION 1. 410 IAC 31 IS ADDED TO READ AS FOLLOWS:

ARTICLE 31. SMALL EMPLOYER QUALIFIED WELLNESS PROGRAM

Rule 1. Definitions

410 IAC 31-1-1 Applicability

Authority: IC 16-19-3-5; IC 16-46-13

Affected: IC 6-3.1-31.2

Sec. 1. The definitions in this rule apply throughout this article. (*Indiana State Department of Health; 410 IAC 31-1-1*)

410 IAC 31-1-2 "Certification" defined

Authority: IC 16-19-3-5; IC 16-46-13

Affected: IC 6-3.1-31.2

Sec. 2. "Certification" means the approval of a wellness program by the state department. (*Indiana State Department of Health; 410 IAC 31-1-2*)

410 IAC 31-1-3 "Employee" defined

Authority: IC 16-19-3-5; IC 16-46-13

Affected: IC 6-3.1-31.2

Sec. 3. "Employee" means a full-time employee who is employed to work at least thirty (30) hours each week. (*Indiana State Department of Health; 410 IAC 31-1-3*)

410 IAC 31-1-4 "Small employer" defined

Authority: IC 16-19-3-5; IC 16-46-13

Affected: IC 6-3.1-31.2-3

Sec. 4. "Small employer" has the meaning set forth in IC 6-3.1-31.2-3. (*Indiana State Department of Health; 410 IAC 31-1-4*)

410 IAC 31-1-5 "State department" defined

Authority: IC 16-19-3-5; IC 16-46-13

Affected: IC 6-3.1-31.2

Sec. 5. "State department" refers to the state department of health. (*Indiana State Department of Health; 410 IAC*

31-1-5)

410 IAC 31-1-6 "State health commissioner" defined

Authority: IC 16-19-3-5; IC 16-46-13

Affected: IC 6-3.1-31.2

Sec. 6. "State health commissioner" means the state health commissioner of the state department. (*Indiana State Department of Health; 410 IAC 31-1-6*)

410 IAC 31-1-7 "Wellness program" defined

Authority: IC 16-19-3-5; IC 16-46-13

Affected: IC 6-3.1-31.2

Sec. 8. "Wellness program" means a plan designed to improve the health of employees of a small employer that addresses the following:

- (1) Appropriate weight loss.
- (2) Smoking cessation.
- (3) The pursuit of preventative health care services.

(*Indiana State Department of Health; 410 IAC 31-1-8*)

Rule 2. Wellness Program Certification

410 IAC 31-2-1 Advisory committee

Authority: IC 16-19-3-5; IC 16-46-13

Affected: IC 6-3.1-31.2

Sec. 1. The state department may organize an advisory committee for the purpose of advising the state health commissioner on the certification of wellness programs. The state health commissioner or a designee will serve as an ex officio member. (*Indiana State Department of Health; 410 IAC 31-2-1*)

410 IAC 31-2-2 Written description of wellness program

Authority: IC 16-19-3-5; IC 16-46-13

Affected: IC 6-3.1-31.2

Sec. 2. Before the state department may consider a wellness program for certification, a written description must be submitted electronically to the state department that includes detailed information about each of the following required components of a wellness program:

- (1) Educational materials that provide information to employees about the following health topics:
 - (A) Appropriate weight loss.
 - (B) Smoking cessation.
 - (C) Preventative health care services.
- (2) Assessments that serve as a means of evaluating the health status of employees in each of the following areas:
 - (A) Appropriate weight loss.
 - (B) Smoking cessation.
 - (C) The pursuit of preventative health care services.
- (3) A rewards program that provides incentives for motivating employees in each of the following areas:
 - (A) Appropriate weight loss.
 - (B) Smoking cessation.
 - (C) The pursuit of preventative health care services.
- (4) A measurement tool that evaluates the success and validity of the wellness program in each of the following areas:
 - (A) Appropriate weight loss.
 - (B) Smoking cessation.
 - (C) Preventative health care services.

(Indiana State Department of Health; 410 IAC 31-2-2)

410 IAC 31-2-3 Supporting documentation

Authority: IC 16-19-3-5; IC 16-19-5-1; IC 16-46-13

Affected: IC 6-3.1-31.2

Sec. 3. The state department may request supporting documentation to be submitted either with the written description or after reviewing the written description. The state department will not certify a wellness program until all such documentation is submitted to the satisfaction of the state department.

(Indiana State Department of Health; 410 IAC 31-2-3)

410 IAC 31-2-4 Wellness program submission deadline

Authority: IC 16-19-3-5; IC 16-46-13

Affected: IC 6-3.1-31.2

Sec. 4. Wellness programs must be submitted to the state department by October 1 to be considered for certification in the year of submission. Wellness programs submitted after October 1 will be considered for certification in the year following submission. *(Indiana State Department of Health; 410 IAC 31-2-4)*

410 IAC 31-2-5 Recertification of wellness program

Authority: IC 16-19-3-5; IC 16-46-13

Affected: IC 6-3.1-31.2

Sec. 5. To maintain certification of a wellness program, small employers must recertify annually by October 1 that the wellness program is the same program that was certified by the state department in the prior year. The state department may request supporting documentation before recertifying a wellness program. *(Indiana State Department of Health; 410 IAC 31-2-5)*

410 IAC 31-2-6 Written certificate

Authority: IC 16-19-3-5; IC 16-46-13

Affected: IC 6-3.1-31.2-9

Sec. 6. After a wellness program is certified by the state department, if the submitting business or organization is a small employer, the state department shall issue a written certificate for purposes of IC 6-3.1-31.2-9. The written certificate expires on December 31 of the calendar year in which it is issued. *(Indiana State Department of Health; 410 IAC 31-2-6)*

410 IAC 31-2-7 Cooperation with department of state revenue

Authority: IC 16-19-3-5; IC 16-46-13

Affected: IC 6-3.1-31.2

Sec. 7. The statement department may provide a list of all small employers that have received certification to the department of state revenue. *(Indiana State Department of Health; 410 IAC 31-2-7)*